

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

CHANNEL BIO CORPORATION,

Plaintiff,

v.

ERIC LEWIS, *et al.*,

Defendants.

Case No. 08-cv-57-JPG

**JUDGMENT**

This matter having come before the Court, some of the parties having agreed to voluntarily dismiss their claims, and the Court having heard the issues presented by the remaining claims and rendered a decision thereon,

IT IS HEREBY ORDERED AND ADJUDGED that Count I of Channel Bio Corporation's Amended Complaint (Doc. 85), seeking declaratory judgment pursuant to 28 U.S.C. § 2201 against Eric Lewis, Donnie Dueker, Mike Ziegler, Jane Ziegler, Eric Bernhard, Sandra Bernhard, Chris Voegelé, and DJD-3, Inc., is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that judgment on Count II of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging common law fraud, is entered in favor of Channel Bio Corporation and against Eric Lewis in the amount of \$4,247,391.00 (four million, two hundred and forty-seven thousand, three hundred and ninety-one dollars and no cents),

IT IS FURTHER ORDERED AND ADJUDGED that Count III of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging civil conspiracy against Eric Lewis and Donnie Dueker, is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Count IV of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging common law conversion against Eric Lewis, Donnie Dueker, and DJD-3, Inc., is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Counts V, VII, and IX of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging conversion of a negotiable instrument pursuant to 810 ILCS 5/3-420, breach of warranty, and negligence, respectively, against Clay County State Bank, are dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Count VI of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging unjust enrichment against Eric Lewis, Donnie Dueker, Mike Ziegler, Jane Ziegler, Eric Bernhard, Sandra Bernhard, DJD-3, Inc., D & Z Land Trust, and Clay County State Bank, is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Count VIII of Channel Bio Corporation's Amended Complaint (Doc. 85), alleging breach of warranty against Eric Lewis, is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Mike Ziegler, Jane Ziegler, Eric Bernhard, Sandra Bernhard, DJD-3, Inc., and D & Z Land Trust's five counterclaims against Channel Bio Corporation, alleging fraudulent misrepresentation, conversion, breach of contract, unjust enrichment, and respondeat superior, respectively, are dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Mike Ziegler, Jane Ziegler, Eric Bernhard, Sandra Bernhard, DJD-3, Inc., and D & Z Land Trust's four crossclaims against Eric Lewis, alleging fraudulent misrepresentation, conversion, breach of contract, and unjust enrichment, respectively, are dismissed without prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Mike Ziegler, Jane Ziegler, Eric Bernhard, Sandra Bernhard, DJD-3, Inc., and D & Z Land Trust's one crossclaim against Clay County State Bank, alleging negligence, is dismissed with prejudice,

IT IS FURTHER ORDERED AND ADJUDGED that Clay County State Bank's three crossclaims against Eric Lewis, alleging fraudulent misrepresentation, breach of contract, and breach of warranty, are dismissed without prejudice,

FINALLY, IT IS ORDERED AND ADJUDGED that Chris Voegele's one counterclaim against Channel Bio Corporation, alleging breach of contract, is dismissed with prejudice.

**DATED: May 6, 2010**

**NANCY ROSENSTENGEL**

**By:s/Deborah Agans, Deputy Clerk**

**Approved:** /s J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**